PROPOSED TESTIMONY: Richard C. Nagell, September 19, 1966
United States District Court, El Paso, Texas

Your Honor, ladies and gentlemen of the jury ..... I think I am correct in saying that the purpose of the trial adversary system is to bring out the truth, preferably the whole truth -- surely, nothing but the truth -- so that a just verdict may be reached in accordance with the law.

As I understand it, a trial called pursuant to American standards of jurisprudence is not meant to turn into a game whereby the truth is sacrificed for convenience or witheld to accommodate a circumvention of relevant fact. Nor is the system designed for staging a pageant of subtle misrepresentations in order to gratify everybody but the defendant that justice is being administered.

This is precisely why I have taken the stand. Because this trial has evolved into something more than a contest between the prosecution and the defense, with both sides seeking to win the day through the presentation of carefully selected witnesses, some of them misinformed, many of them mistaken, and deceptive evidence, while evading, by mutual agreement, vital material issues that would allow the Court to view my case in its proper perspective.

Consequently, the truth -- or at least a vast area of the truth -- has not been produced at this trial. Nor was it produced at my initial trial in 1964. As a matter of fact, the truth in my case has never been raised to the surface despite the certainty that a great deal of it is known to the government.

Thus, I have elected to testify in order to ensure that for once the truth is made available for consideration by this Court, even though I possess absolutely no hope of gaining tangible benefit from my testimony. I shall, however, as my story unfolds, be given the satisfaction of knowing that my former colleagues will now be able to ascertain why I did what I did on September 20, 1963; why my case has been prosecuted with such diligence, and why, since the very beginning, my defense has been directed along the route leading to confinement in a mental institution if I should, by some fluke, be acquitted.

Before I get to the meat of my testimony I feel it pertinent to advise the Court that such testimony will necessarily link me, however, obliquely, with a domestic-inspired, domestic-formulated, and domestic-sponsored conspiracy to assassinate a Chief Executive of the United States and other highly-placed government officials. But I want it to be clearly understood that this link stemmed from my cognizance of the conspiracy rather than my participation in it.

Also, I wish to advise at this point that it was, in my soon-to-be qualified opinion, a direct result of my arrest that this conspiracy did not materialize; and that if the Federal Bureau of Investigation had bothered to conduct even a cursory inquiry into my allegations regarding the conspiracy and one of its original perpetrators, Lee Harvy Oswald, President Kennedy would probably still be alive.

Further, I ~~HKH~~ wish to advise that I made every reasonable effort, under the prevailing circumstances, to testify before the Warren Commission when it was in session.

Now, I shall advance five premises which will, eventually, I am sure, be proven to your satisfaction:

First: That the reason I did what I did in the bank three years ago was for the sole purpose of having myself arrested and detained temporarily by federal authorities.

Second: That prior to my arrest I had notified the Federal Bureau of Investigation, by registered mail, of a pending conspiracy to murder the President of the United States during the latter part of September 1963.

Third: That since the date of my arrest, during my appeal from conviction, and prior to this trial I was beaten, intimidated, and coerced by the authorities because I refused to talk and/or give information, and on one occasion when I refused to submit to hypnosis by a psychologist at Leavenworth Penitentiary I was forcibly administered a dangerous drug until my physical condition commanded it be stopped. That, also at Leavenworth Penitentiary, I was subjected for a ten-day period to what can, at its best, only be described as brutal treatment, because I refused to answer questions.

Fourth: That I am not now, nor have I ever been, insane or otherwise devoid of my mental faculties; nor have I ever attempted suicide, though I have made gestures in that respect for good reason.

Fifth: That the defense of incompetency or insanity, call it what you may, was literally forced upon me by this Court in April 1964, as were the "services" of its appointed attorneys; that after my conviction in May 1964 it became mandatory for me to abide by such defense and cooperate in such defense in order to secure a reversal of my conviction; that the prosecution has, in collusion with my Court-appointed attorneys, suppressed crucial material evidence which would have sanctioned, if not demanded, another avenue of defense -- my true defense; and lastly, that a number of my so-called Constitutional safeguards, including, but not limited to, the right to subpoena witnesses, cross-examine witnesses, and retain legal counsel of my own choosing have been denied by this Court.

. . . .

In order for the interested parties to better comprehend the reasons for my actions on September 20, 1963, and to avoid confusion, I must cite certain past events concerning myself which, rightly or wrongly, influenced my decision to do what I did.

Everything I am about to say is germane to this hearing, and I say it, not in excuse, but in explanation.